

**DEPARTMENT OF THE TREASURY
OFFICE OF FOREIGN ASSETS CONTROL**

Guidelines for License Applications

Specific Licenses for Individuals to Engage in Educational Activities
Related to Study in Cuba for an Undergraduate or Graduate Degree
Offered by a College or University Located in the United States

The Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "Regulations"), prohibit persons subject to U.S. jurisdiction from engaging in all unlicensed transactions in which Cuba or a Cuban national has an interest including transactions related to travel to, within, and from Cuba.

Pursuant to section 515.565 of the Regulations (copy attached), the U.S. Department of the Treasury's Office of Foreign Assets Control ("OFAC") will consider on a case-by-case basis the issuance of specific licenses both to academic institutions for their students or employees to engage in transactions related to the educational activities listed in paragraphs (a)(2)(i)-(a)(2)(vi) of section 515.565, and to individual undergraduate or graduate degree-seeking students to engage in educational activities listed in paragraphs (a)(2)(i)-(a)(2)(iii) of section 515.565. An individual student may first wish to find out if his or her academic institution is already licensed by OFAC. If not, the individual student may submit to OFAC an application for a specific license to engage in transactions related to the activities listed in paragraphs (a)(2)(i)-(a)(2)(iii) of section 515.565.

License applications by individual students may be prepared in letter format and should include the following information:

- 1) A description of the activities you wish to undertake.
- 2) A statement of your academic status (e.g., junior, senior, graduate student).
- 3) Proof of your current enrollment at a college or university (i.e., a photocopy of your current student identification.)
- 4) A statement from your professor or the relevant college or university official on official college or university letterhead stationary explaining how the proposed activity is related to (1) a structured educational program that is part of a course offered at your college or university; or (2) non-commercial academic research specifically related to Cuba and pursued for the purpose of qualifying you academically as a professional (e.g. research toward a graduate degree); or (3) a

formal course of study at a Cuban academic institution that will be accepted for credit toward your degree. If applicable, course titles should be included.

5) The proposed dates of travel to and from Cuba.

6) Your name, address and telephone number.

The application shall be mailed to:

Office of Foreign Assets Control
U.S. Department of the Treasury
909 Southeast First Ave #736
MIAMI FL 33131

Questions should be directed to the Miami office of the Office of Foreign Assets Control at (305) 810-5140.

[Code of Federal Regulations]
[Title 31, Volume 2, Parts 200 to END]
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TITLE 31--MONEY AND FINANCE: TREASURY

CHAPTER V--OFFICE OF FOREIGN ASSETS CONTROL,
DEPARTMENT OF THE TREASURY

PART 515--CUBAN ASSETS CONTROL REGULATIONS--Table of Contents

Subpart E--Licenses, Authorizations, and Statements of Licensing Policy

Sec. 515.565 Educational activities.

(a) Specific license for U.S. academic institutions--(1) Issuance; renewal. A specific license may be issued to an accredited U.S. academic institution authorizing the institution and its students and employees to engage, under the auspices of the institution, in educational activities involving transactions in which Cuba or a Cuban national has an interest. The application for the specific license must establish that the U.S. academic institution is accredited by an appropriate national or regional educational accrediting association. The specific license may be renewed after a period of two years to authorize the accredited U.S. academic institution and its students and employees to continue to engage in the transactions authorized under the institution's license.

(2) Scope of transactions authorized under U.S. academic institution's specific license; documentation. Upon receipt of a specific license pursuant to paragraph (a)(1) of this section by the accredited U.S. academic institution, the institution and its students and employees are authorized to engage in the travel-related transactions set forth in Sec. 515.560(c) and such additional transactions as are directly incident to any of the categories of educational activities set forth in paragraphs (a)(2)(i) through (a)(2)(vii) of this section undertaken under the auspices of the specifically-licensed institution. Activities covered by this authorization are limited to the following:

(i) Participation in a structured educational program by an undergraduate or graduate student or undergraduate or graduate student group as part of a course offered at an accredited U.S. college or university. A student planning to engage in such transactions in Cuba must carry a letter from the U.S. academic institution stating that the student is currently enrolled in an undergraduate or graduate degree program there and that the Cuba travel is part of a structured educational program of that institution and citing the number of the relevant U.S. academic institution's specific license.

(ii) Noncommercial academic research in Cuba specifically related to Cuba by a person working to qualify academically as a professional (for example, research toward a graduate degree). A student planning to engage in such transactions in Cuba must carry a letter from the student's accredited U.S. academic institution stating that the individual is currently enrolled in a graduate degree program and that the Cuba research will be accepted for credit toward that degree and citing the number of the relevant U.S. academic institution's specific license.

(iii) Participation in a formal course of study at a Cuban academic institution by an undergraduate or graduate student currently enrolled in a degree program at an accredited U.S. college or university, provided the formal course of study in Cuba will be accepted for credit

toward the student's undergraduate or graduate degree at that U.S. college or university. A student planning to engage in such transactions in Cuba must carry with him or her a letter from the student's U.S. academic institution stating that the student is currently enrolled in an undergraduate or graduate degree program and that the Cuban study will be accepted for credit toward that degree and citing the number of the relevant U.S. academic institution's specific license.

(iv) Teaching at a Cuban academic institution by an individual regularly employed in a teaching capacity at an

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accredited U.S. college or university, provided the teaching activities are related to an academic program at the Cuban institution. An individual planning to teach at a Cuban academic institution must obtain and carry a written letter from the individual's U.S. academic institution, citing the number of that institution's specific license and stating that the individual is regularly employed there in a teaching capacity.

(v) Sponsorship, including the payment of a stipend or salary, of a Cuban scholar to teach or engage in other scholarly activity at a college or university in the United States (in addition to those transactions authorized by the general license contained in Sec. 515.571). Such earnings may be remitted to Cuba as provided in Sec. 515.570, or carried on the person of the Cuban scholar returning to Cuba as provided in Sec. 515.560(d)(3).

(vi) Educational exchanges sponsored by Cuban or U.S. secondary schools involving secondary school students' participation in a formal course of study or in a structured educational program offered by a secondary school or other academic institution and led by a teacher or other secondary school official. This authorization includes participation by a reasonable number of adult chaperones to accompany the secondary school student(s) to Cuba. A secondary school group planning to engage in such transactions in Cuba must carry a letter from the secondary school sponsoring the trip, citing the number of the school's specific license and listing the names of all persons traveling with the group.

(vii) The organization of and preparation for transactions and activities described in paragraphs (a)(2)(i) through (a)(2)(vi) of this section by a full-time employee of a U.S. academic institution. An individual engaging in such transactions must carry a written letter from the individual's U.S. academic institution, citing the number of that institution's specific license and stating that the individual is regularly employed there.

Note to paragraph (a):

See Secs. 501.601 and 501.602 of this chapter for applicable recordkeeping and reporting requirements. Exportation of equipment and other items, including the transfer of technology or software to foreign persons ('`deemed exportation''), and items not eligible for Department of Commerce GFT or BAG License Exceptions, 15 CFR 740.12 and 740.14, may require separate licensing from the Department of Commerce.

(b) Specific license. Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in Sec. 515.560(c) and other transactions that are directly incident to:

(1) Educational activities described in paragraphs (a)(2)(i) through (a)(2)(iii) of this section not covered by a specific license issued pursuant to paragraph (a) of this section to an accredited U.S. academic institution; or

(2) Educational exchanges not involving academic study pursuant to a degree program when those exchanges take place under the auspices of an organization that sponsors and organizes such programs to promote people-to-people contact.

(c) Transactions related to activities that are primarily tourist-oriented, including self-directed educational activities that are intended only for personal enrichment, are not authorized by this section.

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TITLE 31--MONEY AND FINANCE: TREASURY

CHAPTER V--OFFICE OF FOREIGN ASSETS CONTROL,
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PART 515--CUBAN ASSETS CONTROL REGULATIONS--Table of Contents

Subpart E--Licenses, Authorizations, and Statements of Licensing Policy

Sec. 515.560 Travel-related transactions to, from, and within Cuba by persons subje

(a) The travel-related transactions listed in paragraph (c) of this section may be authorized either by a general license or on a case-by-case basis by a specific license for travel related to the following activities (see the referenced sections for general and specific licensing criteria):

- (1) Family visits (general and specific licenses) (see Sec. 515.561);
- (2) Official business of the U.S. government, foreign governments, and certain intergovernmental organizations (general license) (see Sec. 515.562);
- (3) Journalistic activity (general and specific licenses) (see Sec. 515.563);
- (4) Professional research (general and specific licenses) (see Sec. 515.564);
- (5) Educational activities (specific licenses) (see Sec. 515.565);
- (6) Religious activities (specific licenses) (see Sec. 515.566);
- (7) Public performances, clinics, workshops, athletic and other competitions, and exhibitions (general and specific licenses) (see Sec. 515.567);
- (8) Support for the Cuban people (specific licenses) (see Sec. 515.574);
- (9) Humanitarian projects (specific licenses) (see Sec. 515.575);
- (10) Activities of private foundations or research or educational institutes (specific licenses) (see Sec. 515.576);
- (11) Exportation, importation, or transmission of information or informational materials (specific licenses) (see Sec. 515.545); and
- (12) Certain export transactions that may be considered for authorization under existing Department of Commerce regulations and guidelines with respect to Cuba or engaged in by U.S.-owned or controlled foreign firms (specific licenses) (see Secs. 515.533 and 515.559).

(b) Travel-related transactions in connection with activities other than those referenced in paragraph (a) of this section may be authorized on a case-by-case basis by a specific license issued pursuant to Sec. 515.801.

(c) Persons generally or specifically licensed under this part to engage in transactions in connection with travel to, from, and within Cuba may engage in the following transactions:

(1) Transportation to and from Cuba. All transportation-related transactions ordinarily incident to travel to and from (not within) Cuba, provided no more than \$500 may be remitted to Cuba directly or indirectly in any consecutive 12-month period for fees imposed by the Government of Cuba in conjunction with such travel unless otherwise authorized.

(2) Living expenses in Cuba. All transactions ordinarily incident to

travel anywhere within Cuba, including payment of living expenses and the acquisition in Cuba of goods for personal consumption there, provided that, unless otherwise authorized, the total for such expenses does not exceed the ``maximum per diem rate'' for Havana, Cuba in effect during the period that the travel takes place. The per diem rate is published in the State Department's ``Maximum Travel Per Diem Allowances for Foreign Areas,'' a supplement to section 925, Department of State Standardized Regulations (Government Civilians, Foreign Areas), available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or on the Internet at <http://www.state.gov/www/perdiems/index.html>.

(3) Purchase in Cuba and importation into the United States of merchandise. The purchase in Cuba and importation as accompanied baggage into the United States of merchandise with a foreign market value not to exceed \$100 per person, provided the merchandise is imported for personal use only. Such merchandise may not be resold. This authorization may be used only once every six consecutive months. As provided in Sec. 515.206(a), the purchase and

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importation of information or informational materials are exempt from all restrictions contained in this part.

(4) Carrying remittances to Cuba. The carrying to Cuba of any remittances that the licensed traveler is authorized to remit pursuant to Sec. 515.570, provided that no more than \$300 of remittances authorized by Sec. 515.570(a) or (b) is carried in any one trip, unless otherwise authorized. Those licensed travelers carrying either of the emigration remittances authorized pursuant to Sec. 515.570(c) must be able to produce the visa recipient's full name and date of birth and the number and date of issuance of the visa or other travel authorization issued. A licensed traveler to Cuba is only authorized to carry remittances that he or she is authorized to remit and may not carry remittances being made by other persons.

(5) Processing certain financial instruments. All transactions incident to the processing and payment of checks, drafts, travelers' checks, and similar instruments negotiated in Cuba by any person authorized pursuant to this part to engage in financial transactions in Cuba. For purposes of this section, the authorized transactions may be conducted using currency, which is defined as money, cash, drafts, notes, travelers' checks, negotiable instruments, or scrip having a specified or readily determinable face value or worth, but which does not include gold or other precious metals in any form.

Note to paragraph (c):

The authorizations in paragraph (c) of this section do not apply to fully-hosted travelers because their travel-related transactions are not licensed or authorized pursuant to this part. See Sec. 515.420.

(d) A Cuban national departing the United States may carry currency, as that term is defined in paragraph (c)(5) of this section, as follows:

(1) The amount of any currency brought into the United States by the Cuban national and registered with the U.S. Customs Service upon entry;

(2) Up to \$300 in funds received as remittances by the Cuban national during his or her stay in the United States; and

(3) Compensation earned by a Cuban national from a U.S. academic institution up to any amount that can be substantiated through payment receipts from such institution as authorized pursuant to Sec. 515.565(a)(2)(v).

(e) The following transactions by persons generally or specifically licensed to engage in travel-related transactions to, from, and within Cuba are prohibited by Sec. 515.201 unless specifically authorized:

(1) All transactions by persons subject to U.S. jurisdiction related to the utilization of charge cards, including but not limited to debit

or credit cards, for expenditures in Cuba.

(2) All transactions related to the processing and payment by persons subject to U.S. jurisdiction, such as charge card issuers or intermediary banks, of charge card instruments (e.g., vouchers, drafts, or sales receipts) for expenditures in Cuba. The issuer of a charge card, or a foreign charge card firm owned or controlled by persons subject to U.S. jurisdiction, is not authorized to deal with a Cuban enterprise, a Cuban national, or a third-country person, such as a franchisee, in connection with the extension of charge card services to any person in Cuba.

(f) Persons traveling to Cuba fully hosted as described in Sec. 515.420 may not carry currency to pay for living expenses or the purchase of goods in Cuba except as specifically licensed pursuant to or exempted from the application of this part.

(g) Nothing in this section authorizes transactions in connection with tourist travel to Cuba, nor does it authorize transactions in relation to any business travel, including making or agreeing to make any investment in Cuba, establishing or agreeing to establish any branch or agency in Cuba, or transferring or agreeing to transfer any property to Cuba, except transfers by or on behalf of individual or group travelers authorized pursuant to this part.

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